

Hon. Richard A. Jones

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

THE CITY OF SEATTLE AND ITS
DEPARTMENT, SEATTLE CITY LIGHT,

Defendants.

CASE NO. 16-CV-889 (RAJ)

ORDER GRANTING PLAINTIFF
UNITED STATES' MOTION FOR
SUMMARY JUDGMENT
~~[PROPOSED]~~

This matter came before the Court on the motion of plaintiff United States of America for summary judgment against defendants the City of Seattle and its Department, Seattle City Light (hereafter collectively, the City), to enjoin the City from disclosing, in response to a request the City has received under the Washington State Public Records Act (PRA), RCW §§ 42.56, *et seq.*, information the Federal Bureau of Investigation shared with the City concerning covert surveillance cameras mounted on City Light electric power transmission poles (pole cameras) including but not limited to the location of the poles on which each camera is mounted and the dates of installation and removal. The City proposes to disclose information in its possession concerning these FBI pole cameras, which was shared with City Light by the FBI, in response to a PRA request despite the representations of a City Light

manager that the information in question would be kept confidential. The United States contends, and the Court is persuaded, that the requested information is (1) protected by the federal law enforcement privilege; (2) federal property, subject to the FBI's right to control and prohibit the disclosure of the information by the City, absent the express authorization of the FBI; and (3) expressly protected from disclosure by the PRA. The Court is further persuaded that the disclosure of the requested information by the City will cause irreparable harm to important federal interests, namely, the ability to carry out effective investigations of criminal violations and national security threats.

THEREFORE, it is hereby ORDERED, ADJUDGED AND DECREED, that:

1. The United States' motion for summary judgment is granted (Dkt. # 16);

2. The City of Seattle, including any officers, agents and employees thereof, are hereby permanently enjoined from disclosing, in response to any request under the Washington PRA, or otherwise, the following information that it has received from the FBI, absent the express authorization to do so by the FBI:

a. Any and all information received from the FBI concerning the location, number, installation or removal of any covert surveillance camera mounted by the FBI on any City Light electric transmission pole.

b. Any and all information received from the FBI concerning the name or any other identifying information of any FBI agent or employee involved in the installation or deployment of any covert surveillance camera mounted by the FBI on any City Light electric transmission pole.

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1 3. Each party shall bear their own costs of suit incurred herein.
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3 DATED this 17th day of January, 2017.
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8 The Honorable Richard A. Jones
9 United States District Judge
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